

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0253-MWD-E TCEQ ID: RN101513687 CASE NO.: 35367
RESPONDENT NAME: Harris County Municipal Utility District 250

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Harris County MUD 250 Wastewater Treatment Plant, located at 6690 Huffmeister Road, Houston, Harris County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 16, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Keith Bordelon, President, Harris County Municipal Utility District 250, 600 Jefferson Street Suite 780, Houston, Texas 77002 Respondent's Attorney: Mr. John R. Wallace, Bacon & Wallace, L.L.P., Attorney's at Law, 600 Jefferson Street, Suite 780, Houston, Texas 77002</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 21, 2007</p> <p>Date of NOV/NOE Relating to this Case: October 17, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>Failure to maintain authorization for the discharge of wastewater. Specifically, the Respondent did not renew Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12685001, which expired on May 1, 2007, and continued to discharge wastewater from the Facility without authorization [TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2)].</p>	<p>Total Assessed: \$11,160</p> <p>Total Deferred: \$2,232 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$8,928</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent submitted an administratively complete permit application on May 30, 2007, and was issued a new permit on January 15, 2008.</p>

Additional ID No(s): WQ0012685001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

DATES	Assigned	22-Jan-2008	Screening	7-Feb-2008	EPA Due	
	PCW	7-Feb-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Harris County Municipal Utility District 250
Reg. Ent. Ref. No.	RN101513687
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35367	No. of Violations	1
Docket No.	2008-0253-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Heather Brister
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$9,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **34%** Enhancement **Subtotals 2, 3, & 7** **\$3,060**

Notes

The penalty is enhanced because the Respondent received two Notices of Violations (NOVs) for violations that are not the same or similar, self-reported five effluent violations, and was issued an order with denial of liability language.

Culpability **No** **0%** Enhancement **Subtotal 4** **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **10%** Reduction **Subtotal 5** **\$900**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent was issued a new permit on January 15, 2008.

Total EB Amounts **\$43** **0% Enhancement*** **Subtotal 6** **\$0**
Approx. Cost of Compliance **\$1,200** ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$11,160**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$11,160**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$11,160**

DEFERRAL **20%** Reduction **Adjustment** **-\$2,232**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$8,928**

Screening Date 7-Feb-2008

Docket No. 2008-0253-MWD-E

PCW

Respondent Harris County Municipal Utility District 250

Policy Revision 2 (September 2002)

Case ID No. 35367

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101513687

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 34%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty is enhanced because the Respondent received two Notices of Violations (NOVs) for violations that are not the same or similar, self-reported five effluent violations, and was issued an order with denial of liability language.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 34%

Screening Date 7-Feb-2008		Docket No. 2008-0253-MWD-E		PCW	
Respondent Harris County Municipal Utility District 250		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 35367		<small>PCW Revision January 29, 2008</small>			
Reg. Ent. Reference No. RN101513687					
Media [Statute] Water Quality					
Enf. Coordinator Heather Brister					
Violation Number 1					
Rule Cite(s)		Tex. Water Code § 26.121(a) and 30 Tex. Admin. Code §§ 305.65 and 305.125(2)			
Violation Description		Failed to maintain authorization for the discharge of wastewater. Specifically, the Respondent did not renew Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12685001, which expired on May 1, 2007, and continued to discharge wastewater from the Facility without authorization.			
		Base Penalty		\$10,000	

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
	Potential				
					Percent 0%

>> Programmatic Matrix

Falsification					
Major	Moderate	Minor			
x					
					Percent 10%

Matrix Notes	100% of the rule requirement was not met.
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Adjustment	\$9,000
\$1,000	

Violation Events

Number of Violation Events	9	259	Number of violation days
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<small>mark only one with an x</small>	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty	\$9,000
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Nine monthly events are recommended from the date the TPDES permit expired (May 1, 2007) to the date of compliance (January 15, 2008).	
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Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$43
	Violation Final Penalty Total \$11,160
This violation Final Assessed Penalty (adjusted for limits) \$11,160	

Economic Benefit Worksheet

Respondent Harris County Municipal Utility District 250
Case ID No. 35367
Reg. Ent. Reference No. RN101513687
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$1,200	1-May-2007	15-Jan-2008	0.7	\$43	n/a	\$43
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit a new permit application to obtain authorization to discharge wastewater. Date Required is the date the previous permit expired. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,200

TOTAL

\$43

Compliance History

Customer/Respondent/Owner-Operator: CN600738579 Harris County Municipal Utility District 250 Classification: AVERAGE Rating: 3.98
Regulated Entity: RN101513687 HARRIS COUNTY MUD 250 WWTF Classification: AVERAGE Site Rating: 3.98

ID Number(s):	WASTEWATER	PERMIT	TPDES0093581	
	WASTEWATER	PERMIT	TX0093581	Rating Date: 9/1/2007
	WASTEWATER	PERMIT	WQ001481	Repeat Violator: NO

Location: Located at 6690 Huffmeister Road, Houston in Harris County, Texas.

TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: February 07, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: February 07, 2003 to February 07, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Heather Brister Phone: 254-761-3048

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/25/2003 ADMINORDER 2002-0813-MWD-E

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
TWC Chapter 26 26.121

Rqmt Prov: Req 1 PERMIT

Description: Failure to maintain effluent permit limits. Exceedences in May and June 2001.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OR 1 PERMIT

Description: Failure to adequately maintain the WWTF with regards to clarifier, chlorine contact chamber, and leak in back flow prevention device.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 319, SubChapter A 319.11(c)

Rqmt Prov: M&R 5 PERMIT

Description: Failure to mount the staff gauge at the correct location to ensure an accurate flow measurement.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.126(a)

Rqmt Prov: OR 8a PERMIT

Description: Failure to meet the permit provision of the 75/90 rule for July - Nov 2000 and for Mar - Sept 2001.

Classification: Minor

Citation: 30 TAC Chapter 317 317.7(e)

Description: Failure to post warning signs on the fence surrounding the Facility.

B.	Any criminal convictions of the state of Texas and the federal government.	N/A
C.	Chronic excessive emissions events.	N/A
D.	The approval dates of investigations. (CCEDS Inv. Track. No.)	

1	11/20/2002	(215398)
2	12/20/2002	(215401)
3	01/21/2003	(215405)
4	02/20/2003	(215368)
5	03/21/2003	(215371)
6	04/18/2003	(215376)
7	05/20/2003	(319483)
8	06/17/2003	(285782)
9	06/23/2003	(319484)
10	07/21/2003	(319486)
11	08/20/2003	(319487)
12	09/19/2003	(319488)
13	10/17/2003	(319490)
14	12/05/2003	(319491)
15	12/22/2003	(319492)
16	01/20/2004	(319493)
17	02/20/2004	(319481)
18	03/19/2004	(319482)
19	04/20/2004	(362393)
20	05/20/2004	(362394)
21	06/02/2004	(267783)
22	06/21/2004	(319485)
23	07/20/2004	(362395)
24	08/27/2004	(362396)
25	09/20/2004	(362397)
26	09/21/2004	(293334)
27	10/22/2004	(425386)
28	11/22/2004	(387696)
29	12/20/2004	(387697)
30	01/20/2005	(387698)
31	02/09/2005	(387695)
32	03/11/2005	(349620)
33	04/20/2005	(425383)
34	05/19/2005	(425384)
35	06/07/2005	(394659)
36	06/23/2005	(425385)
37	07/20/2005	(445960)
38	09/06/2005	(445961)
39	09/20/2005	(445962)
40	10/19/2005	(478002)
41	11/17/2005	(478003)
42	12/20/2005	(478004)
43	01/20/2006	(478005)
44	02/21/2006	(478000)
45	03/20/2006	(478001)
46	04/20/2006	(504395)
47	05/24/2006	(504396)
48	06/20/2006	(504397)
49	07/13/2006	(483507)
50	07/28/2006	(526718)
51	08/21/2006	(526719)
52	09/29/2006	(526720)
53	10/17/2007	(596196)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	11/30/2003	(319492)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			

Date: **02/29/2004** (319482)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: **06/02/2004** (267783)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.7(e)
Description: Failure to provide an all weather access road.

Date: **07/31/2004** (362396)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: **08/31/2004** (362397)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: **03/11/2005** (349620) Classification: Minor
Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to provide an all-weather access road to the wastewater treatment plant.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to ensure flow measurement accuracy.

Date: **06/30/2006** (526718)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits. N/A
G. Type of environmental management systems (EMSs). N/A
H. Voluntary on-site compliance assessment dates. N/A
I. Participation in a voluntary pollution reduction program. N/A
J. Early compliance. N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HARRIS COUNTY MUNICIPAL
UTILITY DISTRICT 250
RN101513687**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**
§

AGREED ORDER DOCKET NO. 2008-0253-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Harris County Municipal Utility District 250 ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Mr. John R. Wallace, of the law firm Bacon & Wallace, L.L.P. Attorneys at Law, appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 6690 Huffmeister Road in Houston, Harris County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 22, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eleven Thousand One Hundred Sixty Dollars (\$11,160) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Nine Hundred Twenty-Eight Dollars (\$8,928) of the administrative penalty and Two Thousand Two Hundred Thirty-Two Dollars (\$2,232) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent submitted an administratively complete permit application on May 30, 2007, and was issued a new permit on January 15, 2008.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to maintain authorization for the discharge of wastewater, in violation of TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2), as documented during an investigation conducted on September 21, 2007. Specifically, the Respondent did not renew Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12685001, which expired on May 1, 2007, and continued to discharge wastewater from the Facility without authorization.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Harris County Municipal Utility District 250, Docket No. 2008-0253-MWD-E" to:

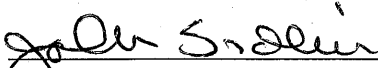
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

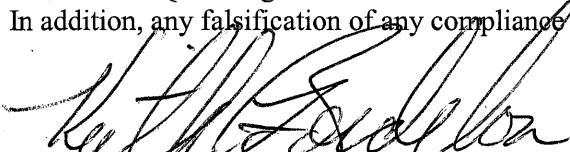
6/2/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

March 25, 2008
Date

Keith Borden

Name (Printed or typed)
Authorized Representative of
Harris County Municipal Utility District 250

President

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

